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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,784	08/15/2001	William M. Gillon	50588/360	2550

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DIGEO, INC C/O STOEL RIVES LLP  
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SALT LAKE CITY, UT 84111

EXAMINER
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KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/930,784

Applicant(s)

GILLON ET AL.

Examiner

Nadia Khoshnoodi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/11-13-2006.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/2006 has been entered.

***Response to Amendment***

Claims 6-10 are cancelled. Applicant's arguments/amendments with respect to amended claims 1 & 11 and previously presented claims 2-5 & 12-20 filed 11/13/2006 have been fully considered and therefore the claims are rejected under new grounds.

***Claim Rejections - 35 USC § 102***

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

II. Claims 1, 3-5, 11-12, and 14-16 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Richards, US Patent No. 6,690,795.

As per claim 1:

As per claim 1:

Richards teaches a computer-implemented method comprising: encrypting a group of original multimedia channel keys using a first encryption format to produce a first group of encrypted multimedia channel keys (col. 6, lines 57-67 and col. 7, line 63 – col. 8, line 2); encrypting said group of original multimedia channel keys using a second encryption format to produce a second group of encrypted multimedia channel keys (col. 6, lines 57-67 and col. 7, line 63 – col. 8, line 2); and concurrently transmitting said first group of encrypted multimedia channel keys with said second group of encrypted multimedia channel keys to a plurality of multimedia subscribers having multimedia receivers (col. 10, lines 5-12), wherein said first group of encrypted multimedia channel keys and/or said second group of encrypted multimedia channel keys are decryptable by said multimedia receivers (col. 7, lines 1-14).

As per claim 3:

Richards teaches the method as in claim 1. Furthermore, Richards teaches the method further comprising: transmitting entitlement information with said group of multimedia channel keys encrypted using said second type of encryption, said entitlement information indicating which of said multimedia channels a user has the right to decrypt (col. 18, lines 26-40).

As per claim 4:

Richards teaches the method as in claim 3. Furthermore, Richards teaches the method further comprising: decrypting said second group of encrypted multimedia channel keys at a multimedia receiver (col. 7, lines 1-14).

As per claim 5:

Richards teaches the method as in claim 4. Furthermore, Richards teaches the method

further comprising: searching said entitlement information to determine whether said user has the right to view a particular channel selected by said user; and decrypting said channel using one of said decrypted keys if said user has said right (col. 18, lines 19-40).

As per claim 11:

Richards teaches a system for processing multimedia channels comprising: a computer readable medium having stored thereon original decryption keys for decrypting said multimedia channels, wherein each original decryption key is encrypted in a first encryption format and a second encryption format (col. 16, lines 57-67 & col. 7, line 63 - col. 8, line 2); said decryption keys encrypted in said first encryption format being decryptable by a first multimedia receiver corresponding to the first encryption format (col. 7, lines 1-14); and said decryption keys encrypted in said second encryption format being decryptable by a second multimedia receiver corresponding to the second encryption format (col. 7, lines 1-14).

As per claim 12:

Richards teaches the system as in claim 11. Furthermore, Richards teaches wherein said second encryption format permits all of said keys to be decrypted in real-time as they are received by said multimedia receiver (col. 20, lines 34-41).

As per claim 14:

Richards teaches the system as in claim 11. Furthermore, Richards teaches the system further comprising: transmitting entitlement information indicating which of said multimedia channels a user has a right to view (col. 18, lines 26-40).

As per claim 15:

Richards teaches the system as in claim 14. Furthermore, Richards teaches the system

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further comprising: said second type of multimedia receiver decrypting only those keys identified by said entitlement information (col. 7, lines 1-14).

As per claim 16:

Richards teaches the system as in claim 14. Furthermore, Richards teaches the system further comprising: said second type of multimedia receiver decrypting said decryption keys and using said decryption keys to decrypt multimedia channels identified by said entitlement information (col. 7, lines 1-14).

*Claim Rejections - 35 USC § 103*

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 2, 13, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards, US Patent No. 6,690,795 as applied to claims 1 and 11-12 above, and further in view of Colligan et al. US Patent No. 6,415,031.

As per claim 2:

Richards substantially teaches the method as in claim 1. Not explicitly disclosed the method wherein said second type of encryption is digital video broadcasting ("DVB") encryption. However, Colligan et al. teach that the encryption format can be DVB encryption. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Richards for the second encryption format to be DVB

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encryption as used with the subscribers' customer keys to yield encrypted channel keys. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Colligan et al. teach that DVB encryption may be used where the DVB standard allows simultaneous encryption of a channel for more than one subscriber station in order to protect various forms of digital content in col. 8, lines 29-41.

As per claim 13:

Richards substantially teaches the method as in claim 12. Not explicitly disclosed the method wherein said second type of encryption is digital video broadcasting ("DVB") encryption. However, Colligan et al. teach that the encryption format can be DVB encryption. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Richards for the second encryption format to be DVB encryption as used with the subscribers' customer keys to yield encrypted channel keys. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Colligan et al. teach that DVB encryption may be used where the DVB standard allows simultaneous encryption of a channel for more than one subscriber station in order to protect various forms of digital content in col. 8, lines 29-41.

As per claim 17:

Richards substantially teaches the system as in claim 11. Furthermore, Richards teaches the system further comprising: said second type of multimedia receiver decrypting one or more of said keys and using said one or more keys to decrypt one or more multimedia channels (col. 7,

lines 1-14).

Not explicitly disclosed is said second type of multimedia receiver re-encrypting said multimedia channels using an alternative encryption technique. However, Colligan et al. teach re-encrypting the multimedia channels when received at a remote server in order to store the content in a secure encrypted format using a different key. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Richards to re-encrypt the multimedia channels using an alternative encryption technique in order to copy protect the content before storing it. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Colligan et al. suggest that storing the digital content in a re-encrypted form by using another key, once the digital content has been received/decrypted from a different source, allows for securely storing the content at a remote server in col. 5, lines 38-40 and col. 6, lines 5-13.

As per claim 18:

Richards and Colligan et al. substantially teach the method as in claim 17. Furthermore, Colligan et al. teach the method wherein said second type of encryption is digital video broadcasting ("DVB") encryption (col. 8, lines 29-41).

As per claim 19:

Richards and Colligan et al. substantially teach the method as in claim 17. Furthermore, Colligan et al. teach the system further comprising: storing said multimedia channels in said alternative encryption format on a mass storage device (col. 6, lines 31-35).

As per claim 20:



Richards and Colligan et al. substantially teach the method as in claim 19. Furthermore, Colligan et al. teach the method further comprising: decrypting and playing back one or more of said multimedia channels from said mass storage device responsive to a user request to play back said one or more of said multimedia channels (col. 6, lines 36-51).

*\*References Cited, Not Used*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 6,772,434 has been cited because it is relevant due to the manner in which the invention has been claimed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nadia Khoshnoodi

Examiner

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1/25/2007

NK



EMMANUELLE L. MOISE  
SUPERVISORY PATENT EXAMINER